

#### Members

Rep. Charlie Brown, Chairperson  
Rep. Dan Stevenson  
Rep. Scott Pelath  
Rep. Ralph Ayres  
Rep. Timothy Fesko  
Rep. Dean Mock  
Sen. Ron Alting  
Sen. Sue Landske, Vice-Chairperson  
Sen. Joseph Zakas  
Sen. Earline Rogers  
Sen. William Alexa  
Sen. Rose Ann Antich  
Mayor Duane Dedelow  
Mayor James Perron



## **NORTHWEST INDIANA TRANSPORTATION STUDY COMMISSION**

*Legislative Services Agency*  
200 West Washington Street, Suite 301  
Indianapolis, Indiana 46204-2789  
Tel: (317) 232-9588 Fax: (317) 232-2554

#### LSA Staff:

James Jett, Attorney for the Commission  
James Sperlik, Fiscal Analyst for the Commission

Authority: P.L.241-1997

### **MEETING MINUTES<sup>1</sup>**

**Meeting Date:** September 9, 1999  
**Meeting Time:** 1:00 P.M.  
**Meeting Place:** Adam Benjamin Gary  
Transportation Center , main  
conference room  
**Meeting City:** Gary, Indiana  
**Meeting Number:** 1

**Members Present:** Rep. Charlie Brown, Chairperson; Rep. Dan Stevenson; Rep. Timothy Fesko; Rep. Dean Mock; Sen. Joseph Zakas; Sen. Earline Rogers; Sen. Rose Ann Antich; Mayor Duane Dedelow.

**Members Absent:** Rep. Scott Pelath; Rep. Ralph Ayres; Sen. Ron Alting; Sen. Sue Landske, Vice-Chairperson; Sen. William Alexa; Mayor James Perron.

Chairman Rep. Charlie Brown called the meeting to order and had the members of the Commission and the staff introduce themselves.

Rep. Brown discussed the history of the Michigan train issue within the Commission, and directed Jim Sperlik, fiscal analyst for the Commission, to outline the chronology of the

---

<sup>1</sup> Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Commission's actions on Michigan trains.

Rep. Brown recognized Linda Risley of the Indiana Department of Revenue, Motor Carrier Division. Ms. Risley discussed the process for extra-heavy duty truck permitting, and the Voice Response Unit system of permitting. Ms. Risley discussed the legal designation of extra-heavy duty highways, and the fact that only the General Assembly or the Indiana Department of Transportation could designate a highway as extra-heavy duty. The Commission discussed the calendar day permit versus the 24 hour permit for Michigan trains. Ms. Risley distributed the information to the Commission that is attached as Exhibit A.

Rep. Tim Fesko and Rep. Dan Stevenson asked questions concerning the lack of an extra-heavy duty highway designated from Indiana to Illinois. Ms. Risley did not have a definitive answer, but promised to obtain more information.

Rep. Brown recognized Clarence Ehlers of National Steel, who answered questions about the history of the original Michigan train statute, and on the history of the weight limits for trucks. Mr. Ehlers stated that the steel industry does not allow a truck driver to leave the property of the steel mill overweight.

Rep. Brown recognized Kathy Noland and Bill Proud of the Indiana Department of Transportation (INDOT). Ms. Noland asked if they could defer their remarks until the end of the meeting.

Rep. Brown recognized Jack Bos, a truck driver who owns five trucks. Mr. Bos expressed concern over the calendar day permit, and claimed 20-30% of his permits ended up expiring before he could use them. The Commission discussed scheduling by truck dispatchers and steel loading times by the steel mills.

Sen. Antich expressed concerns over dictating loading schedules to the steel mills. The Commission continued discussion of calendar day permits.

Sen. Zakas voiced support for weekly, monthly, or yearly overweight permits.

Rep. Mock asked for a history of the Michigan train statute. Mr. Ehlers and Mr. Bos discussed the history of the statute, and the legislative intent behind the law.

Rep. Brown then recognized Col. Dean Petree of the Indiana State Police. Col. Petree introduced Major Bob Seifert of the State Police Motor Carrier Division. Col. Petree discussed that the Michigan train issue for the State Police is an issue of public safety. Materials distributed by the Indiana State Police are attached as Exhibit B. Col. Petree commented on a recent special operation during which the State Police apprehended a large percentage of overweight trucks driving without extra-heavy duty permits. The Commission discussed overweight trucks. Col. Petree discussed new technology known as SHRP SITE, and how it can be used in enforcement.

Rep. Brown asked Col. Petree for a solution to the problem. Col. Petree responded that the risk of the individual truck driver being caught does not outweigh the reward of driving without paying for a permit.

Rep. Brown then asked Col. Petree who loads the trucks over the maximum weight. Col. Petree pointed out that the State Police do not know who overloads the trucks, they only enforce the law against the driver of the overloaded truck. Mr. Ehlers, of National Steel, commented that the steel mills do not let a driver leave overloaded. However, Mr. Ehlers

continued, drivers often go to more than one steel mill for a pick-up. This allows the driver to drop the first loaded trailer, and then pick up a second loaded trailer.

Sen. Antich started a discussion about penalties for overweight trucks. Col. Petree discussed the penalties for overweight trucks, and the limited risks the drivers face when violating the law.

Rep. Mock stated that the reason for the limited risk is that the Motor Carrier Division is suffering from a lack of funding and a lack of personnel.

Rep. Fesko commented that the penalties for operating an overloaded truck are probably too low.

Mr. Bos asked why motor carrier enforcement officers can pull a valid permit from a truck driver when they pull the truck driver over for another violation. Col. Petree, Maj. Seifert and Linda Risley discussed the requirements of the permit, which include a provision that the driver must obey the terms of the permit. Ms. Risley pointed out that the regulations that must be followed are on the permit.

Sen. Zakas asked if the authority to pull the permit is statutory or administrative. Maj. Seifert and Ms. Risley replied that they were not sure if it was in Indiana statute or the Indiana Administrative Code. Sen. Zakas requested a copy of the authority.

Rep. Brown recognized Billy Johnson, truck driver, who appeared before the Commission during the 1998 interim. Mr. Johnson discussed the hardships truck drivers face, and the need to make as much money as possible. Mr. Johnson discussed the rates paid to truck drivers, and the fact that there is no real union to protect truck drivers. Mr. Johnson stated that truck drivers have no choice but to break Indiana law. Mr. Johnson encouraged the idea of an annual permit.

Rep. Mock asked why truck drivers have no choice but to break the law, and Mr. Johnson responded that truck drivers need to make money. Mr. Johnson stated that he needs to take at least two trips a week to Michigan at a weight in violation of Indiana law to make money. Mr. Johnson said that he loads his truck to meet Michigan's 164,000 weight limit.

Rep. Brown recognized Kathy Noland of INDOT. Ms. Noland said INDOT works together with the Indiana State Police and the Indiana Department of Revenue on the issue of Michigan trains. Rep. Brown commented that the steel industry must also work with the other parties on the Michigan train issue, and that the steel industry and the truck drivers are partners. Rep. Brown commented that the steel industry should pay higher rates to truck drivers.

Sen. Zakas asked INDOT if they would support 11 axle legislation similar to the law in Michigan. Ms. Noland said she would obtain an answer on that question.

Rep. Mock disagreed with the comments of Rep. Brown with regards to mandating that the steel industry pay higher rates. Rep. Mock noted that it is vital for the steel industry to stay competitive. Rep. Mock continued by noting that the real problem with the Michigan train issue is enforcement of the existing law.

Rep. Fesko echoed Sen. Zakas' request concerning the adoption of a weight limit and laws similar to Michigan. Rep. Fesko asked if Michigan highways were that much better than Indiana's. Mr. Sperlik responded by noting that Michigan's highways were initially built to handle a heavier weight than Indiana's roads. The Commission discussed Michigan's

164,000 pound weight limit and Illinois' 80,000 pound weight limit.

Mr. Bos offered his agreement with Mr. Johnson on the issue of annual extra-heavy duty permits. Mr. Bos also stated that motor carrier enforcement officers pull truck drivers over for speeding, and then void the truck driver's valid extra-heavy duty permit. Col. Petree pointed out that motor carrier enforcement officers do not have authority to enforce speed limits, and that the power of the motor carrier enforcement officer is solely over truck safety issues.

The Commission discussed enforcement of Illinois and Michigan extra-heavy duty truck laws. Mr. Bos and Mr. Johnson said they are careful not to violate either Illinois or Michigan law.

Rep. Brown asked INDOT to provide more information on the difference of the effects of 164,000 pounds verses 134,000 pounds on Indiana roads.

Rep. Mock asked how the truck drivers are paid for hauling. The Commission, Mr. Johnson, Mr. Ehlers, and Mr. Bos discussed truck driver's rates.

Rep. Brown stated that the next meeting of the Commission would be September 30, 1999, at 1:00 p.m., with the place to be determined by Rep. Fesko. At the next meeting Rep. Brown said the Commission would cover Michigan trains and high speed rail.

Rep. Brown then discussed allowing the Commission to meet after the Legislative Council deadline of October 31. Rep. Brown asked for and entertained a motion to request an extension of meeting time. The motion was seconded and adopted by consent.

Rep. Brown recognized Ed Charbonneau of U.S. Steel Group. Mr. Charbonneau discussed the history of Michigan trains, and mentioned a recent study undertaken by the Michigan legislature on extra-heavy weight trucks. Rep. Brown asked Mr. Charbonneau for a copy of the report, and Mr. Charbonneau stated that he would forward one to the Commission.

Rep. Brown adjourned the meeting.